

REMARKS

Claims 1-31 were noted in the aforesaid Office Action as pending in the application. Claims 18-27 stand withdrawn; claims 7 and 13 have been canceled; no new claim has been added, leaving claims 1-6, 8-12, 14-17 and 28-31 for consideration.

Claim 1 stand rejected under 35 USC 102 as anticipated by USP 6,174,332 - Loch. Claim 1 was limited to an annuloplasty band comprising "an elongated substantially solid body" (emphasis added). Loch appears to show a body (36 in FIGS. 3A and 3B) in cross-section in which is disposed a "core" (50). FIG. 3A is described as "a cross-sectional view taken along line 3A-3A of FIG. 1." Thus it appears that FIG. 3A is not a diagrammatic illustration. In FIG. 3A, the core is shown inside the outer body, but not cooperatively arranged therein to form a "solid" structure. The inside of the body (12) is mostly a void in small part occupied by a "core" (50). Accordingly, it does not appear that claim 1 reads on Loch.

To further emphasize the point, claim 1 has been amended to include "said band being substantially solid throughout the length thereof". As shown in Loch FIG. 3B, the core (50) is not to be found in a portion of the length of the Loch band.

Claim 1 has been further amended to include "overlaid layers being formed by a spirally wound graft tissue". In Loch, there appears to be no spirally-wound tissue.

In view of the several pronounced distinctions, it appears that the invention defined by claim 1 is not anticipated, nor rendered obvious, by Loch.

Claims 2-6 depend directly or ultimately from claim 1 and appear to be allowable, at least through dependency. In addition, the limitations in amended claim 6 to the band including a support structure comprising a centrally disposed axle structure, further distinguishes the claim from Loch.

As noted above, Claim 7 has been canceled.

Claims 8-12 depend from claim 6 and should be deemed allowable, at least through dependency.

As stated above, claim 13 has been canceled.

Claims 14-17 stand rejected under 35 U.S.C. 112 on the ground that the specification does not disclose the matter of those claims in combination with overlaid layers of material.

Claim 14 depends from claim 4 and limits the support structure for the band to a mesh surrounding at least a portion of the graft tissue. On page 20, last paragraph, it is said that in one form of the invention, the band is formed using an external structure mesh, making reference to FIGS. 14-22, wherein there is shown a band 100A (FIG. 20) having a support structure (300; nomenclated in FIGS. 18 and 19) external to the tissue. In view thereof, claim 14 appears to be supported by the specification.

Claim 15, which depends from claim 14, similarly appears to be supported by page 20 of the specification.

Claim 16 depends from claim 15 and further limits the support structure to including sutures, and claim 17 limits the sutures to purse-string sutures. On page 21 of the specification, it is said that the external mesh is constructed of "flexible but not stretchable material such as...suture", and further down on the page, reference is made to the use of purse string sutures at the end of the mesh.

Accordingly, it appears that claims 14-17 are well founded and that the 112 rejection thereof should be vacated.

Claim 17 stand further rejected as unpatentable over Loch in view of Gabbay, inasmuch as Gabbay discloses the use of purse string sutures in an annuloplasty ring. However, it has been pointed out above that Loch fails to disclose several features of the invention as defined by claim 1, from which claim 17 ultimately depends. It appears that Gabbay does little to fill the holes left by Loch when compared to claim 1. Accordingly, Loch and Gabbay together would appear to fall well short of rendering claim 1, and therefore claim 17, obvious.

Claims 28-31 stand rejected as anticipated by Loch. Each of claims 28-31 depend directly (claims 28 and 29) or ultimately (claims 30 and 31) from claim 1. In view of the several distinctions over Loch exhibited by claim 1, it appears that none of claims 28-31 should be deemed anticipated.

Further, claim 29 is limited to a sheet of graft tissue being rolled upon itself and tightly packed, a feature not taught or suggested by Loch. Accordingly, claim 29 appears to be allowable in its own right, in addition to dependency.

In summary, it is believed that claims 1-6, 8-12, 14-17 and 28-31 are in condition for allowance, which is most respectfully requested.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

Respectfully submitted,



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